

Laurence J. BOOTON, *et al.*  
Serial No. 09/936,220  
April 8, 2009

### **REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

Claim 6 has been amended above to be consistent with the specification as previously amended at page 3. Claim 10 has been amended to return the same to its original content because a portion thereof was inadvertently omitted from the previous amendment.

The rejection of claims 1-7, 7-10 and 13-15 under 35 U.S.C. §103 as allegedly being made “obvious” based on Staples ‘845 in view of Gruchala ‘953 and Morganstein ‘504 is again respectfully traversed.

So as to not unduly burden the record, the applicants’ remarks/arguments submitted May 8, 2008, are hereby incorporated by reference.

The teaching of Gruchala is clear and unambiguous – an individual’s telephony activities can only be made to appear as if they are a part of a larger group or company. For example, a group CLI can be presented rather than the CLI of the individual’s own phone line. Bills can be charged to the group’s account (rather than an individual’s account). Phone calls can be carried by a telephony operator selected by the group.

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Serial No. 09/936,220  
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The Examiner has apparently decided to ignore this teaching away from applicant's claimed invention – and instead to cherry-pick only certain other aspects of Gruchala and then to combine them with the teaching of Staples. Of course, the Examiner's interpretation of the prior art has been contaminated with hindsight and the disclosure of the present invention.

Claim 1 already recited the following:

"(ii) translating the obtained actual calling party identity to obtain a corresponding simulated consistent calling line identity permanently associated with the calling party."

Gruchala discloses that the actual calling party identity can only be translated to that of a number which is associated with a user group within a company.

The Examiner is thanked for providing a “response to arguments” section. Here, the Examiner alleges that it is sufficient that Gruchala teaches modification of a CLI associated with a group because the term “individual” was allegedly not recited in the claim language. Based upon this alleged distinction, the Examiner asserts that the applicants have tried to read extra meaning into the claim language and that, therefore, arguments previously presented were not considered persuasive.

Laurence J. BOOTON, *et al.*  
Serial No. 09/936,220  
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With respect, the Examiner's attention is drawn to the fact that claims 13-15 already did specifically recite the term "individual." Furthermore, any rational person having skill in the relevant art would understand that all other claims were also directed to a CLI assigned to an individual. In particular, since only one individual of a group is moving about to change location, and since the claims clearly require a CLI translation so as to permit outgoing/incoming calls placed by an individual in association with a permanently associated CLI, nothing else makes any sense.

In any event, independent claims 1 and 7 have now also been amended above to explicitly recite the term "individual."

For reasons noted previously and above, the Gruchala teaching is directly contrary to at least this aspect of the claimed invention. The contrary teachings of even one of a combination of asserted references cannot be simply ignored when alleging that one having only ordinary skill in the art before being exposed to the applicants' invention would have found the applicants' invention to have been "obvious."

Furthermore, the Examiner's assertion that the "main concept" of the present invention is translation of the actual calling party identity to a corresponding simulated consistent calling line identity that is permanently associated with the calling party – makes no sense unless one is referring to an individual calling party.

Laurence J. BOOTON, *et al.*  
Serial No. 09/936,220  
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In this respect, the Examiner's attention is drawn to the attached copy of a Wikipedia definition of "calling party." As will be seen, a calling party is a person who initiates a telephone call, etc., or a device that initiates a telephone call, etc. In the context of the applicant's claimed invention (especially when properly construed in light of the accompanying specification), the only definition that makes sense is that a "calling party" is "a person" – i.e., an individual person and clearly not a "group" of individuals.

The Examiner's discussion of the teaching at Gruchala 6:11-17 is appreciated. The Examiner is correct that the option of blocking CLI data is realized if the Gruchala worker does elect to use a privacy code. However, the point being made is still the same. Even if the Gruchala worker does not elect to use a privacy code (and therefore does not block the CLI data), any translated CLI data that might get transmitted will not identify the actual calling person (i.e., "party"). At best, any translated CLI data will only identify a group of persons..

Given such a fundamental deficiency of all the cited references (even if considered *arguendo* in selected piecemeal combination fashion as proposed by the Examiner with hindsight), it is not believed necessary at this time to explain the further deficiencies of

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this allegedly “obvious” combination of references with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, not even a *prima facie* case of “obviousness” can be sustained unless the combination of references at least teaches or suggests each and every feature of a claim that is to be rejected. Here, at least one of the combined references teaches directly away from the claimed invention.

The rejection of claim 6 under 35 U.S.C. §103 as allegedly being made “obvious” based on Staples/Gruchala/Morganstein in further view of Kahn ‘438 is also respectfully traversed.

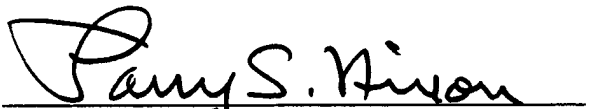
Fundamental deficiencies of parent claim 1 have already been noted above for the Staples/Gruchala/Morganstein combination. Kahn does not supply those already-noted deficiencies. Accordingly, it is not necessary at this time to detail additional deficiencies of this allegedly “obvious” four-way combination of selected pieces and pieces of references.

Laurence J. BOOTON, *et al.*  
Serial No. 09/936,220  
April 8, 2009

Accordingly, this entire application is now believed to be in allowable condition  
and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Larry S. Nixon  
Reg. No. 25,640

LSN:lef

901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

# Calling party

From Wikipedia, the free encyclopedia

The **calling party** (also called **caller**, **call originator** or **A-party**) is a person who (or device that) initiates a telephone call over the public switched telephone network, usually by dialing a telephone number. The process is called call origination and the person who (or device that) answers a telephone call is the called party.

The calling party is usually the party that pays the fee for placing the call, however in reverse charge (or collect) calls this may not be the case.

While roaming on an international network using a mobile phone, the calling party may need to pay an extra fee for the subsequent use of the overseas network.

## Human call originator

In some countries it is common etiquette for a call originator to identify himself first, when the connection is established.

## Machine call originator

Modems and fax machines use different tones when originating or answering a connection, which may be a source of problem for the user.

Retrieved from "[http://en.wikipedia.org/wiki/Calling\\_party](http://en.wikipedia.org/wiki/Calling_party)"

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# Called party

From Wikipedia, the free encyclopedia

The **called party** is a person who (or device that) answers a telephone call. The person who (or device that) initiates a telephone call is the calling party.

In some situations, the called party may number more than one: such an instance is known as a conference call. Strictly, in some systems, only one called party is contacted at each event, as to initiate a conference call the calling party contacts the first called party, then this person contacts the second called party, but audio is transferred to both called parties.

In a collect call (i.e. reverse charge), the called party pays the fee for the call, when it is usually the calling party that does so.

In some countries, such as the United States, users of mobile telephones pay for the "airtime" to receive calls, while in other countries, e.g. as most European countries, these extra charges are passed to the calling party.

See also 3pcc.

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